

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re

CASE No. 98-34454

Chapter 7

David B. Welliver,

Debtors,

Honorable Dennis O'Brien

and

ELAINE L. CHAO, Secretary of Labor,

United States Department of Labor,

Plaintiff,

Adv No. 04-3274

v.

DAVID B. WELLIVER,

Defendant,

RESPONSIVE AFFIDAVIT OF DAVID B. WELLIVER

STATE OF MINNESOTA)
) §
COUNTY OF RAMSEY)

David B. Welliver, being first duly sworn, deposes and states that:

1. I am the Defendant in the above mentioned case. This court has jurisdiction over this Adversary proceeding. Defendant was discharged from this bankruptcy in December of 1998. Defendant was not properly served nor has ever been given a summons. Copies of this action were sent to Defendants old address as of December of 2003 at 1801 Stillwater Road in White Bear, Minnesota then forwarded to Defendant's former wife June 7, 2004 at 2966 Arcade Street, Little Canada, Mn 55109. Defendant received a copy of this action on Saturday June 12, 2004 by Defendants former wife. Defendant will accept service of this action at 596 Summit Avenue or by mail at PO Box

(5)

65247, Saint Paul, MN 55165. Defendant is representing himself pro se as of this date but is in the process of retaining counsel for this action. Defendant asks the Honorable Judge Obrien to give Defendant 90 days to get the necessary monies to retain counsel and respond to the action.

2. Defendant admits that the Secretary is responsible for enforcement of the Employee Income Security Act of 1974.

3. Defendant admits that I **was** the debtor in this Chapter 7 Case

4. Deny

5. Deny

6. Deny

7. Deny

8. Deny

9. Deny

10. Deny

11. a,b,c,d,e,&f Deny

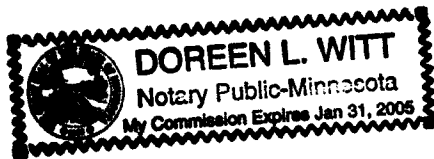
12. Deny

I respectfully request the Court grant me 90 Days to obtain counsel and respond to the above action. Defendant has been called in a civil District action outside of this court and to the same allegations and is too complicated for Defendant to defend pro se, Defendant currently does not have sufficient funds necessary for a retainer and needs time to obtain such funds. The Defendant asks the court for relief in this case.

David B. Welliver
David B. Welliver

Subscribed and sworn to before
me on 15th June, 2004.

Doreen L. Witt



David B. Welliver
(651) 204-1695

VIA FIRST CLASS AND CERTIFIED MAIL RETURN RECEIPT:

June 15, 2004

Mailing Address:
David Welliver
PO Box 65247
Saint Paul, MN 55165

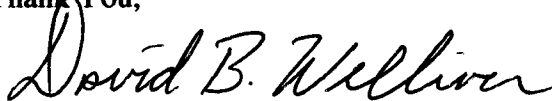
US Department of Labor
Attn: Ruben R. Chapa
Office of the Solicitor
230 S. Dearborn St., Rm 844
Chicago, IL 60604

Physical Address:
David Welliver
596 Summit Avenue
Saint Paul, MN 55102

Dear Mr. Chapa,

Enclosed please find a response to the actions filed in the bankruptcy action and Civil Action in United States District Court of Minnesota, Third Division. I will accept delivery via my PO Box. If you have any questions please call me.

Thank You,



David B. Welliver

Cc:

Michael J. Iannaccone, debtors former Bankruptcy lawyer
Mary Jo Jensen Carter, Bankruptcy Trustee
Robert B. Raschke, Assistant U.S. Trustee
Rick Salmen, Personal Lawyer (Not yet on Retainer for this case)
John Hopeman, Personal Litigation Attorney (Not Yet on Retainer for this case)

I Doreen L. Witt Hereby certify that David B. Welliver
has sent via First Class Mail the answers enclosed to the Bankruptcy Action and Third
District Court Action.

Subscribed and Sworn to before
Me on 15th June, 2004

Doreen L. Witt

